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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,052	12/04/2003	Shahab M. Sayeedi	CE11765R	8941
22917	7590	09/06/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			SHEW, JOHN	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/728,052

Applicant(s)

SAYEEDI, SHAHAB M.

Examiner

John L. Shew

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-51 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-4, 6-7, 9, 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (Pub. No. US2001/0030953).

Claim 1, Chang teaches a method for providing forward link packet data service to mobile stations (MSs) in a mobile communication system (FIG. 8, page 1 paragraph [0007], page 5 paragraphs [0073]-[000076]) referenced by the Concurrent Service 80a of the MS to the Packet Data Service Node through the Source Base Station in a CDMA mobile communication system, the method comprising providing by a cell in the mobile communication system data transmission service via a forward link (FIG. 6, page 4 paragraph [0058]) referenced by the use of Cell Identifier parameter to establish the data transmission with the Source Base Station, indicating to an MS that the cell will not provide data transmission service to the MS via the forward link (FIG. 8, page 5 paragraphs [0073]-[000076]) referenced by the BS Ack ORDER message 80I from the

Target Base Station to the MS which indicates the Source Base Station will not provide data transmission service.

Claim 2, Chang teaches wherein providing data transmission services comprises providing data transmission services to the MS (FIG. 8, page 3 paragraph [0033]) referenced by the concurrent service inclusive of packet services to the MS, and wherein indicating that the cell will not provide data transmission service to the MS comprises indicating by the cell that the cell will no longer provide data transmission service to the MS via the forward link (FIG. 8, page 5 paragraphs [0073]-[000076]) referenced by the BS Ack ORDER message 80I from the Target Base Station to the MS which indicates the Source Base Station will no longer provide data transmission service.

Claim 5, Chang teaches determining whether the cell is presently available to provide data transmission service to the MS via the forward link of the cell (FIG. 8, page 6 paragraphs [0078]-[0084]) referenced by the determination of the transmission of the BS Ack ORDER 80I if the data transmission to the Target Base Station is available and complete.

Claim 8, Chang teaches wherein determining whether the cell is presently available to provide data transmission service to the MS via the forward link of the cell (FIG. 8, page 6 paragraphs [0078]-[0084]) referenced by the determination of the transmission of the

BS Ack ORDER 80I if the data transmission to the Target Base Station is available and complete, comprises receiving an indication that the cell is presently unavailable to provide data transmission service to the MS via the forward link of the cell (FIG. 8) referenced by the HANDOFF REQUEST 80c upon which the Target BS determines unavailability of the data link of the MS to the Source BS.

Claim 10, Chang teaches wherein providing data transmission services comprises providing data transmission services to the MS by the cell via the forward link (FIG. 8, page 3 paragraph [0037], page 5 paragraphs [0073]-[000076]) referenced by the Concurrent Service 80a of the MS to the Packet Data Service Node through the Source Base Station in a CDMA mobile communication system.

***Allowable Subject Matter***

2. Claims 15-32, 33-41, 42-47, 48-51 are allowed.

Claims 3, 4, 6, 7, 9, 11, 12, 13, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

3. Applicant's arguments filed 8/7/2005 have been fully considered but they are not persuasive. Independent claim 1 cites "indicating to an MS that the cell will not provide data transmission service to the MS via the forward link ". Chang teaches the transmission of a BS Ack Order from the Target BS to the MS (FIG. 8). This message is an acknowledgement of the completion of the handoff. Therefore this is an indication that the original Source BS will no longer provide data transmission service to the MS since the MS is handed off to the new Target BS. The MS will then transmit new forward data to the Target BS.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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